

ordinary skill in the art at the time the invention was made to realize that the process of updating within a network can only occur as fast as the rate at which the network is able to accommodate. It is further argued that Choquier discloses updating the shared portion based on client computing speeds and loads.

Applicants respectfully request the examiner to reconsider his position. It may be true that the process of updating within a network can only occur as fast as the rate at which the network is able to accommodate, i.e., how fast an update is transmitted and received depends on the network connection. However, that is very different from determining when to send an update. Thus, it would not have been either necessary or obvious that a conference server controls the updating process by taking into consideration the network connection speeds and loads.

Furthermore, with respect to Choquier, Choquier does not teach that the updating of the transaction is done based on CPU load and CPU index. To the contrary, the transaction as disclosed in Choquier is not updated based on CPU load and CPU index. Col. 21, lines 22-25, as cited by the examiner, read as follows: "The Arbiter microcomputer 128 records each update transaction it receives in its transaction log, and dispatches each update transaction to every server 120 in the service group ..." (emphasis added). There is no teaching or suggestion that an update transaction is selectively delivered to a server based on the server load. Furthermore, col. 24, lines 1-35, which are also cited by the examiner, merely discloses a preferred routine to determine whether a server should be added or extracted from a corresponding service group. Again, there is no teaching or suggestion in Choquier that the system as disclosed therein performs updating of data sets or display or that the update is done based on the client computing speeds and loads.

Hence, it would not have been obvious at the time the invention was made to have a conference server control delivery of updates to a client based on the network connection speeds and loads as well as the client computing speeds and loads. Claims 1 and 2, as previously amended, are believed to be patentable over the cited references, but are nonetheless further amended to provide the foregoing clarification.

The remaining rejected claims 23-32 ultimately depend from claim 2 and thus derive patentability therefrom. It is alleged that the features recited by claims 23-32 are common

in the networking art and taught by the disclosures of Tung and Choquier. Applicants submit that these claims recite additional novel and non-obvious features that further distinguish over the cited references.

For example, neither Tung nor Choquier discloses a transcoder, a compression mechanism and a decompression mechanism associated with a client, a conference server and a presenter, wherein the activation of the transcoder and the decompression mechanism associated with the client depends on the client computing speeds and loads, the activation of the transcoder, the compression mechanism and the decompression mechanism associated with the conference server depends on the conference server computing speeds and loads, and the activation of the transcoder and the compression mechanism associated with the presenter depends on the presenter computing speeds and loads. Claims 27 and 29-31 are now further amended to clarify the foregoing.

In addition, while the transcoder, the compression mechanism and the decompression mechanism by themselves may be common in the networking art, their mere individual existence, however, does not render the present claimed invention obvious. It is well recognized that in order to establish a *prima facie* case of obviousness, there must be some teaching, suggestion or motivation to combine the various individual elements. It is respectfully requested that the examiner provide further references which support the examiner's position that there is some teaching, suggestion or motivation to combine, arrange and/or operate these various elements in the manner as described by the present claimed invention.

Attached hereto is a marked up version of the changes made to the claims by this amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
Horace Ng  
Reg. No. 39,315

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
HHN  
SF 1201964 v1